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**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MONTANA
BILLINGS DIVISION**

SIGNAL PEAK ENERGY, LLC,

Plaintiff,

vs.

EASTERN MONTANA MINERALS,
INC., and MUSSELSHELL
RESOURCES, LLC,

Defendants and
Counterclaim Plaintiffs,

vs.

SIGNAL PEAK ENERGY, LLC;
FIRSTENERGY CORP.;
FIRSTENERGY VENTURES CORP.;

Case Number: CV 12-55-BLG-RFC

**JOINDER IN COUNTERCLAIM
DEFENDANTS PINESDALE LLC
AND GUNVOR GROUP LTD.'S
RESPONSE TO DEFENDANTS/
COUNTERCLAIM PLAINTIFFS'
PROPOSED DISCOVERY PLAN**

*Filed by Signal Peak Energy, LLC,
FirstEnergy Corp., FirstEnergy
Ventures Corp., FirstEnergy
Generation Corp., Boich Companies,
LLC, WMB Marketing Ventures, LLC,
Global Coal Sales Group, LLC, and
Global Mining Holding Company, LLC*

FIRSTENERGY GENERATION
CORP.; GUNVOR GROUP, LTD.;
PINESDALE LLC; BOICH
COMPANIES, LLC; WMB
MARKETING VENTURES, LLC;
GLOBAL COAL SALES GROUP,
LLC; and GLOBAL MINING
HOLDING COMPANY, LLC,

Counterclaim Defendants.

**JOINDER IN COUNTERCLAIM DEFENDANTS PINESDALE LLC AND
GUNVOR GROUP LTD.'S RESPONSE TO DEFENDANTS/
COUNTERCLAIM PLAINTIFFS' PROPOSED DISCOVERY PLAN**

Counterclaim Defendants Signal Peak Energy, LLC ("SPE"), FirstEnergy Corp., FirstEnergy Ventures Corp., FirstEnergy Generation Corp., Boich Companies, LLC, WMB Marketing Ventures, LLC, Global Coal Sales Group, LLC, and Global Mining Holding Company, LLC (collectively "Joining Defendants") hereby join in Counterclaim Defendants Pinesdale LLC ("Pinesdale") and Gunvor Group Ltd.'s ("Gunvor") Response to Defendants/Counterclaim Plaintiffs' Proposed Discovery Plan ("Response"), averring as follows:

1. The Joining Defendants filed Motions to Dismiss the Counterclaims asserted by Eastern Montana Minerals, Inc. and Musselshell Resources, LLC (collectively "EMM") pursuant to Federal Rule of Civil Procedure 12(b) ("Motions").

2. Briefing of the Motions was completed on August 29, 2012.

3. The Motions present dispositive questions of law for resolution by the Court. They make clear that this Court lacks personal jurisdiction over all but three of the Joining Defendants, and that there is no legal basis to expand this case from a contractual dispute concerning the basis for calculating Royalties pursuant to a 2008 Coal Lease between SPE and EMM, into a tort-based action involving nine separate entities that are not parties to the Coal Lease. Accordingly, discovery in this matter before the Motions are decided would be premature, burdensome and inefficient.

4. On September 14, 2012, Pinesdale and Gunvor moved this Court for a Protective Order (“MPO”), pursuant to Rule 26(c), to stay discovery until such time as the Court decides the Motions to Dismiss they filed.

5. Nevertheless, on September 19, 2012, EMM attempted to convene a Rule 26(f) conference call to discuss a discovery plan, notwithstanding the clear prematurity of such an action because no scheduling conference has been calendared in this case. This attempt was opposed by Joining Defendants, not only because of its prematurity under the Federal Rules of Civil Procedure, but also because the potentially dispositive Motions remain pending, and their resolution will have an enormous impact on the scope of discovery in this case.

6. EMM's unilateral filing of a discovery plan is inappropriate under Rule 26. In addition, because the scope of discovery will depend largely on the resolution of the Motions, EMM's purported discovery plan is nothing more than a hypothetical document, which will almost certainly require amendment following resolution of the Motions.

7. The Joining Defendants will comply strictly with the Federal Rules of Civil Procedure and will schedule a Rule 26(f) conference in accordance with those Rules and the deadlines set by this Court.

8. Joining Defendants incorporate herein by reference any and all documents filed, and all legal arguments raised in support of, Pinesdale and Gunvor's Response.

WHEREFORE, Counterclaim Defendants Signal Peak Energy, LLC, FirstEnergy Corp., FirstEnergy Ventures Corp., FirstEnergy Generation Corp., Boich Companies, LLC, WMB Marketing Ventures, LLC, Global Coal Sales Group, LLC, and Global Mining Holding Company, LLC respectfully join in Counterclaim Defendants Pinesdale LLC and Gunvor Group Ltd.'s Response to Defendants/Counterclaim Plaintiffs' Proposed Discovery Plan.

DATED this 1st day of October, 2012.

/s/ A. Clifford Edwards

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Attorneys for Counterclaim Defendants

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FirstEnergy Generation Corp.; Boich

Companies, LLC; WMB Marketing

Ventures, LLC; Global Coal Sales

Group, LLC; and Global Mining Holding

Company, LLC

CERTIFICATE OF COMPLIANCE

Pursuant to Rule 7.1(d)(2)(e) of the U.S. District Court for the District of Montana, I certify that this document is printed with a proportionately spaced Times New Roman text typeface of 14 points; is double spaced; and the word count calculated by Word is 597, excluding the Caption and Certificate of Compliance.

Dated this 1st day of October, 2012.

/s/ A. Clifford Edwards

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